

The Christian Moderator :
The Second Part;
O R,
PERSECUTION
FOR
RELIGION
CONDEMNED;

By the { *Light of Nature.*
 { *Law of God.*
 { *Evidence of our own Principles.*

WITH
An Explanation of the *Roman Catholick* Belief, con-
cerning these four points: Their Church, Worship,
Justification and *Civill Government*.

JAMES 2. 12.

So speak you and so do, as they that are judged by the law of liberty; for they shall be judged without mercy, that have shewed no mercy.

*Mille hominum species, & rerum discolor usus,
per me equidem sint omnia protinus alba.*

Whereunto there are new Additions since the Octavo
was Printed.

Printed for H. F. 1652.

Persecution for Religion condemned, &c.

IN the precedent part of this discourse, I have demonstrated (according to that light which the Lord Christ hath infused into my Soul) how much Coercency in Religion is repugnant to the Law of Nature, and, by many evident and unanswerable Texts of Scripture, shewed, how displeasing it is to God, how improper to advance the power of godliness, and how extremely disagreeable to the sweet Spirit, which guided our Lord Jesus in the propagation of his Gospel. And after in the same little Treatise I proceed to prove (by the expresse words of the Parliaments and Armies Declarations) that the great Principle wherein we glory, and which we have so long fought to establish, is a perfect Gospel-freedom, and absolute deliverance of the Conscience from all Tyranny and oppression.

Which discourse as I composed in all humbleness of spirit, and afterwards offered to the gracious Redeemer of our Souls, who gave me strength and power to finish it to his glory: So I finde not onely my self (for which I humbly thank the bounty of my God) confirmed in my former judgement, but others in some measure convinced in theirs, of the unreasonableness and sin of Conscience-Persecution.

Concerning which pious and modest temper of mutuall forbearance, I shall onely add to what I have mentioned in the former part, this plain and familiar Observation, That as the surest mark of a tender conscience in our selves, is a tender spirit to others, so the most infallible sign of a hard and stony heart in our breasts, is when we slit in pieces and shipwrack the Consciences of all that touch upon us: But praised for ever be the Name of our God, who still proceeds to guide and illuminate his chosen, graciously disposing them neither to presume upon themselves for their knowledge, nor be cruell against others for their ignorance, but humbly adore and wait upon the Divine Providence in the dispose of all things: which fills my soul with exceeding joy, when I consider it to be the general sense of all the truly godly and well-affected in this Nation, that no quiet and peaceable Christian be deprived of the chief content and comfort of this life, which certainly consists in a real & impartial, yet unoffensive liberty, to serve his God according to his conscience. Many Petitions I could here cite in affirmance of this Truth, from severall Provinces of this Land; but I shall trouble the Reader only with these two, the first was presented to the Parliament upon the six and twentieth of *March* 1649. from the county of *Leicester*, wherein, though I were none of the Subscribers; yet I did, both by myself and friends, promote it what I could, as conceiving the requests of it, both just and reasonable; it bore this Title,

The humble Petition of divers well affected of the County of Leicester, in behalf of themselves and the Nation,

AND the seventh Article or branch of the Petition was this. 7. *That every one may enjoy the just freedoms to worship God according to his word, without any Coercive or restrictive courses to the contrary.*

The Petition being read, the Gentlemen that presented it were called in, and Master Speaker, by Order of the House, gave them hearty thanks, &c.

And on the 2 of *April* following, a like Petition was presented, entituled, *The humble Petition and Representation of severall Churches of God in London, commonly, though falsely, called Anabaptists*, which was also graciously accepted by the House, according to the Merit of so conscientious a suit, and the justice of so glorious a Parliament.

At

At which time we happily began to shake off that intollerable burthen of *Isa-*
char, the Presbyterian government, which has bin since in a good measure effe-
 cted, through the blessing of the Lord Christ, and pious care of his instruments,
 the Governours of this Common-wealth.

In so much as no persons of what society or perswasion soever in this Nation,
 are at present persecuted for their Conscience onely; or difference in outward
 worship, but the Papist, whom I am therefore (according to that Principle of cha-
 rity which absolutely commands my spirit,) obliged to make the chief subject of
 this discourse.

In order to which performance, I have since the writing my former sheets) often
 waited upon God in humility of spirit, and endeavour to inform my self, as much
 as I could of the truth, and particular manner of their sufferings; and to that end
 have sometimes purposely attended at Haberdashers hall, to hear their Cases
 pleaded, where though I suffered some persecution from the croud and noise
 of that place, yet far more was the grief of my minde to behold so many distressed
 suiters, whose countenances were made sad by the fear of a farall Order for
 their impoverishment. But before I proceed to any of those particulars,
 I must (at least in my own judgement) clear the Papists obstinacy and
 non submission to the present government, wherewith they were by some
 accus'd, as a sufficient ground of all their punishment; from which imputation I
 shall easily deliver them by transcribing a copy of their Petition, which they have
 with much diligence and humble importunity, address'd to very many Members
 of Parliament, professing to wait onely the happines of an opportunity to present
 it to the House, and being a Paper at least 5 or 6 moneths old, and delivered to
 so many persons, with whom I have the honour to be acquainted, it fell by chance
 into my hands, having I confesse of late entertained a particular delight and re-
 creation to passe some part of my time in such curiosities.

*To the supreme Authority of this Nation, the Parliament of
 the Common-wealth of England.*

The humble Petition of the Roman Catholikes.

Sheweth,

That your Petitioners have long waited some happy leasure, when there might
 be a hearing allowed them of their many sad pressures, the weight whereof
 hath sunk them so ruinously low, that they are utterly disabled to discharge
 their many debts, make the least provision for their Children, or relieve themselves,
 reduced to extreme necessities.

That even such of your Petitioners, as are sequestred for Delinquency, have still
 comforted their sorrows with this hope, that at the last they should certainly be re-
 ceived to mercy; since the generall VOTES for Composition of the 17. of March
 1648. seem clearly to imply them capable thereof, when the Rules concerning them
 should be agreed upon.

That now the wisdom of the Parliament applying it self to establish the people of
 this Common-wealth in a quiet and settled condition, your Petitioners take up an
 humble confidence, that they alone shall not be excluded from so universall a benefit.

And therefore humbly pray, that the Laws and proceedings concerning them may
 be taken into consideration, and such clemency and compassion used towards
 them by Composition or otherwise, as in the judgement of this honourable
 House may consist with the publike peace, and your Petitioners comfortable lie-
 ving in their native Country.

(4)

And they further humbly pray, that it would please the Parliament to vouchsafe them the permission of clearing their Religion from whatsoever may be inconsistent with Government, which will assuredly be done to full satisfaction, if there may be a Committee appointed by this honourable House, on whom they may have the privilege to attend.

And your Petitioners shall ever pray, &c.

THIS to my sense bears it self with so much respect and submissiveness in the stile, that it can no wayes be interpreted misbecoming the duty of good and peaceable subjects; and for the matter of the Petition, it seems to my eye so reasonable, that I cannot believe, but after a little patience, till other more generall affairs afford the Parliament leisure, it will certainly receive a satisfactory and relieving Answer; Especially since not onely such Papists, whose moderate delinquency leaves them some hope of mercy, nor such who for preservation of their lives, were forced to flye into the late kings Garrisons, without ever acting any thing against the State, but even the most innocent, who all this while have late still under so many pressures, and never were charged with other accusation, than their Religion, yet all freely and humbly submit in this Petition to the absolute pleasure of the Parliament for Rules of Composition, and this (as to the single Papist) for an offence, which in no other society of Christians in this Nation is accounted any crime at all; being meerly their different judgement in Religion; a proceeding, wherein certainly we shall use too much severity, and partiality, if we make it not onely unpardonable, but unredeemable.

In the close of their Petition they humbly beg. the favour of an opportunity to satisfy the Parliament in the point of consistency with *Civil Government*, which being the chief Objection that (without passion) can be made against them, surely we should not take offence, at their most diligent applications, and utmost endeavours, to deliver themselves from so destructive a charge, laid upon their Religion.

In order to which performance, (it seems) divers Papists of considerable quality, unanimously agreed upon this following Explanation, to declare and witnes to the world, the perfect consistency of their Religion, both with civill society, joyning also in the same paper, the like expressions of their Belief concerning some few other points, which they were informed to be more obnoxious to exception, than the rest; As the under-valuing of holy Scripture, and over-valuing the authority of the Church; Invocation of Saints and Angels, and worship of Images; and above all, the proud opinion of Merits: This paper they drew up as a preparatory to a more full and perfect clearing of their Faith from those prejudices and misunderstandings, which ordinarily men of different persuasions entertain, especially, in Controversies about matters of Religion.

The Paper, containing certain Doctrins of the Papists, and by them delivered to divers persons of quality for their particular satisfaction.

WE believe the holy Scriptures to be of divine inspiration and infallible Authority; and whatsoever is therein contained we firmly assent unto, as to the word of God, the Author of all Truth.

II. 1. But since in the holy Scriptures there are some things hard to be understood, which
2 Pet. 3. 16. the ignorant and unstable wrest to their own destruction; we therefore profess (for the ending of controversies in our Religion, and setting of peace in our Consciences) to submit our private judgments to the judgement of the Church, represented in a free Generall Council.

2. we humbly believe the sacred Myſterie of the Bleſſed Trinity, one Eternal, Almighty, and incomprehenſible God, whom onely we adore and worſhip, as alone having Sovereign dominion over all things, to whom onely we acknowledge as due from men and Angels, all glory, ſervice and obedience, abhorring from our hearts, as a moſt deteſtable ſacrilege, to give our Creators honor to any creature whatſoever.

I I.

1 Tim. 1. 17

And therefore we ſolemnly proteſt, that by the prayers we addreſſe to Angels, and Saints, we intend no other then humbly to ſolicit their aſſiſtance before the throne of God, as we deſire the prayers of one another here upon earth, not that we hope any thing from them, as originall authors thereof, but from God the fountain of all goodneſſe, through Jeſus Chriſt our onely Mediator and Redeemer.

Neither do we believe any divinity or vertue to be in images for which they ought to be worſhipped as the Gentiles did their Idols, but we retain them with due and decent reſpect in our Churches, as instruments, which we find by experience, do often aſſiſt our memories, and excite our affections.

3. we firmly believe, that no force of nature, nor dignity of our beſt works can merit our Juſtification, but we are juſtified freely by grace, through the Redemption that is in Jeſus Chriſt,

I I I.

Rom. 3. 24

And although we ſhould by the grace of God perſevere unto the end in a godly life and holy obedience to the Commandments, yet are our hopes of eternall glory ſtill built upon the mercy of God, and the merits of Chriſt Jeſus.

All other merits (according to our ſenſe of that word) ſignifie no more, then actions done by the aſſiſtance of Gods grace, to which it has pleaſed his goodneſſe to promiſe a reward; a Doctrine ſo far from being unſuitable to the ſenſe of the holy Scriptures, that it is their principal deſign to invite and provoke us to a diligent obſervance of the Commandments, by promiſing heaven as the reward of our obedience. 1 Tim. 4. 8. Godlineſſe is profitable to all things, having the promiſe of this life, and of that which is to come, And, Rom. 2. 6. God will render to every man according to his deeds, to them who by patient confidence in well doing ſeek for glory and honor, and immortality, eternal life. And again, Rom. 8. 13. If you live after the fleſh you ſhall dye, but if through the Spirit you mortifie the deeds of the body, you ſhall live. And Heb. 6. 10. God is not unjuſt to forget your work and labour of love, which you have ſhewed for his name, &c. Nothing bring ſo frequently repeated in the word of God, as his gracious promiſes to recompence with everlaſting glory the faith and obedience of his ſervants; Nor is the bounty of God barely according to our works, but high and plentifull, even beyond our capacities; giving full meaſure, heaped up, preſſed down, and running over into the boſoms of all that love him.

Luk. 6. 38

Thus we believe the merit or rewardableneſſe of holy living (both which ſignifie the ſame thing with us) ariſes not from the ſelf-value even of our beſt actions; as they are ours, but from the grace and bounty of God; and for our ſelves we ſincerely profeſſe, when we have done all thoſe things which are commanded us, we are unprofitable ſervants, having done nothing but that which was our duty; ſo that our boaſting is not in our ſelves, but all our glorying is in Chriſt.

Luk. 17. 1

IV.

Exod. 20.

Mat. 19.

Eccleſ. 12.

13.

4. we firmly believe, and highly reverence the Morall Law, being ſo ſolemnly delivered to Moſes upon the Mount, ſo expreſſly confirmed by our Saviour in the Goſpel, and containing in it ſo perfect an Abridgement of our whole duty both to God and man.

which Morall Law we believe obliges all men to proceed with faithfulness and sincerity in their mutuall contracts one towards another, and therefore our constant Profession is, that we are most strictly and absolutely bound to the exact and entire performance of our promises, made to any person of what Religion soever, much more to the Magistrates and Civil powers, under whose protection we live whom we are taught by the word of God to obey, not onely for fear, but for conscience sake; and to whom we will most faithfully observe our promises, of duty and obedience, notwithstanding any dispensation, absolution, or any other proceedings of any foreign power, or authority whatsoever.

Wherefore we utterly deny and renounce that false and scandalous Position, that Faith is not to be kept with Hereticks, as most uncharitably imputed to our practices, and most unjustly pinned upon our religion.

These we sincerely and solemnly profess, as in the sight of God, the searcher of all hearts, taking the words plainly and simply in their usuall and familiar sense, without any equivocation or mental reservation whatsoever.

THese expressions concerning four of the most offensive points, wherein the Papists differ from us, have I confesse given me a great and unexpected satisfaction; And though I remain in the same mind as to the erroneousness of many of their Tenets, yet I see we may easily be too passionate in the degree of detesting any different opinion, since every error is not presently to be censured, as an unsufferable abomination; and too severe in the degree of persecuting the dissenters from our own judgements, as if they were unworthy to breath the same air with our selves.

Certainly, many Protestants, who quietly enjoy a just and unmolested freedom, approach very near to the first assertion of the Papists, whilst some both writers and discoursers, profess to submit their private judgements unappealably to a truly-free Generall Councell, that she might once have an end of all strife and contention about matters of Religion; others refer themselves without further instance to a Provinciaall Assembly of Divines, and very few but will prefer the judgement of the Supreme authority of this Nation, before their own particular sense, readily conforming to that Declaration which the Parliament shall hold forth to be the true meaning of the Scripture: So that almost every one agrees in the acknowledgement of an external authority to decide such Controversies, as arise out of the different interpretation of their faith upon the Churches sleeve, and yield a blind obedience (that is without appealing any further) to her determination.

And for the second Branch, I am sure many Protestants continue still those old customs of baring their heads when they come into a Church, nay of bowing at the name of *Jesus*; Practices that ly open to the greatest part of those objections, which our more godly and conscientious penms make against the Papists, in the question of Pictures; yet I hope there will never be the least thought entertained of imposing penalties upon the private and unscandalous use of any such Ceremonies: Rather let us apply our endeavours to open their eyes with a mild and gentle hand, than bear them out with the club-list of the Law.

But when I reflect upon the third conclusion in the Recusants Paper, I am, astonished to consider how Education with a little mixture of Passion or interest makes every slight distemper amongst Christians (which of it self were easily curable) so desperate, that it often becomes irrecoverable, and endangers both the health and life of Christianity. Surely in many things we strangely mistake
one

one another. I professe sincerely, I should be so far from seiling on the Estate of a Papist, for refusing that part of the Oath of Abjuration, wherein he is compelled to renounce the Doctrine of merits, that I am resolved to suffer a thousand deaths, rather then abjure so great and manifest a truth, according to the sense wherein they explain themselves, or affirm so great and manifest an Error, according to the sense wherein we explain our selves. For when we censure the Doctrine of Merits, we understand by that word our deserts, as they exclude the merits of Christ, and abstracting from the Covenant God hath been pleased to make with us in his Son, and in that sense we justly condemne all opinions of Merit, even of the best works, as presumptuous and Luciferian; But I now see when the Papists affirm that good works are meritorious, they include both the promise of God and the merits of Christ Jesus, and in effect when all is summed up, it amounts only to this, That God hath graciously promised, and will faithfully keep his word, to reward all those with eternall life that believe in him, and obey his Commandements, In this sense the Papists hold mercifulnes to be meritorious, or available to salvation, because the Scripture sayes, *Blessed are the mercifull for they shall obtain mercy.* Matth. 5. 7. In this sense the Papists hold patience in affliction to be meritorious or available to Salvation, because the Scripture sayes, *Blessed are they who are persecuted for righteousness sake, for theirs is the Kingdome of heaven;* Mat. 5. 10. And this (as I am informed by very understanding men amongst them) is the reall truth of their Doctrine concerning good works, which in my judgement differs nothing from ours, but onely in the unfavoury and proud-sounding word merit.

The last Cause of the Papists Note, which I have transcribed, is so full and satisfactory, that if they will be as good as their words, I shall neither fear to have such neighbours, nor need any Magistrate fear to have such Subjects.

And to prove their trustinesse and fidelity, in the observance of their oaths, I cannot imagin a more evident demonstration, then that they make a conscience of what oaths they take. He that swears any thing without distinction, may justly be suspected to be as false to men, as he is fearlessse of God, whereas no clearer argument can be alledged in the behalf of any, that they intend to keep all the oaths they take, then this, that they will not take all the oaths you offer; surely if the Pope or their own consciences could give them this extravagant priviledge, to be bound by no oath, they might without difficulty take any, and if they were allowed by their Religion to swear any thing, certainly they are all worse then mad, if they do not immediately post away to *Haberdashers hall*, call for the oath of abjuration, swallow it down quickly without any chewing, and so save at least 50000 l a year in a morning.

In the late Kings dayes, many Papists were smartly punished for not taking the oath of allegiance, none for observing it, nay I have heard some Papist-Delinquents argue for themselves, that the utter ruine, which now endangers their whole estates, proceeds solely from their performing to the late King that service which he called alleagiance, and this is yet a higher proof of their fidelity in their promises, since they adventured with so much hazard to keep that oath in subgance, which they refused with almost as much hazard to take, because against their conscience in some circumstance.

And now let any one judge indifferently, whether they that firmly believe all the holy Scriptures of the old and New Testament, worship and adore onely one God, rely upon *Jesus Christ* for their sole Mediator, and professe it their duty to observe the commandements of the *Morall Law*, may not reasonably be suffered

suffered to live in their native countrey with the peaceable enjoyment of their consciences in their private houses, especially those who will quietly submit to cautions and restrictions, as the common-wealth shall require for prevention of scandall, or disturbance of the publick peace.

Besides I am perswaded a far lesse liberty will oblige the Papists than content any other, because hitherto all liberty has been wholly denyed to them, and wholly allowed to every one else, so that they will gladly receive as a mercy and favour, what others challenge as a right, and their affections being once purchased at so cheap a price, as a little private exercise of their conscience, free from the fright and smart of penalties, I am confident they will neither be such fools as to forfeit their liberty, nor so ungratefull as to forget them that gave it; since out of all our histories not one example can be assigned, that they ever offered to move the least sedition, in a time when they enjoyed but half the liberties of free-born English men.

Therefore I shall close my thoughts upon this Paper, with a short and free conclusion, which I conceive abridges in few words the whole difficulty betwixt subject and Superior; The Magistrate that protects any sort of people in his Dominions, may justly require their service, and safely rely upon their obedience but if he persecute them, whether Protestants or Papists, he will soon find, that as he may violently force their compliance, he can never prudently rest upon their affections.

But I must here beg leave to be dispensed with in my promise of ending this period, till I have added this observation, How many Modern Authors of good account amongst us, have positively held forth to the people (as an unquestionable truth) that the Papists by their Principles, are not obliged to keep faith with Hereticks; and I must acknowledge I was once of the same opinion concerning them, principally relying upon the credit of Mr. James Howell, an ingenious traveller in most of the Popish countries, which makes me the more wonder, that he should take such an erroneous opinion upon trust, and assert it in Print near the end of the first part of *Dodona's Grove*, where he says, *That one of the Canons of the last great Council*, (which must needs be the Council of Trent) *was that, Hereticis non est tenenda fides*, The esteem I had entertain'd of that Authors ingenuity permitted me not to acquiesce to some Recusants verball deniall of this, assertion; but (for more assured satisfaction in so important a point) I took the pains to peruse some of their best writers, and found them unanimously agree, *that faith is not onely to be kept with Hereticks, but even with Turks, Jews and Infidels, and that indispensably*: neither could I find one tittle to that purpose, in any Canon or Session of that last great Council, (as he calls it) but to the contrary; For both in the fifteenth and eighteenth Session, the Council saith expressly, *that whosoever shall violate the least point of the publick faith, given for the security of all Protestants, that should repair to that Council, should be subject to those penalties, quas jure divino & humano aut consuetudine hujusmodi saluorum conductuum violatores incurrere possunt, absque omni excusatione, aut quavis in hac parte contradictione*. By which it evidently appears that the Council supposed, as a thing known and certain, that whosoever should violate his faith promised to Hereticks, was not onely punishable by humane Laws, but even by the divine Law it self.

And certainly if it had been my unhappinesse to have done any sort of Christians so much wrong in publick, my conscience (coming afterward to be better inform'd would oblige me to a publick reparation; for though we use no such confession

cession, as the Papists practise, yet the Law of naturall reason binds us to as punctuall an observance of restitution, as any Papist whatsoever, and that even to Papists themselves, when we do them any injury.

But for a finall dispatch of this point concerning the Papists indispenfable obligation of performing their promises, it was my fortune to light upon a book of one *Paul Layman* a German Jesuit, and an Author of great esteem amongst the *Casuists* (who treating of dispensations lib. 2. tract. 3. cap. 12.) sets down these words, *Dico quard, Si Catholici cum Hæreticis publicum fædus ineant, non potest per auctoritatem Pontificiam solvi aut relaxari.* If Catholicks enter into any publick contract with Hereticks, it cannot be dissolv'd or dispens'd with by the Popes power. And some few lines after proceeding upon the same question, he pronounces down right, *Absolute negari debet id (viz. remissionem fæderis) à summo Pontifice fieri posse;* it ought absolutely to be denyed, that it is in the power of the Pope to absolve from such contracts. And again, *Fides publica hereticis data inviolabiliter & sine ullo dispensationis remedio servanda est, quamdiu ipsi servare parati sunt:* Publick faith given to Hereticks ought inviolably and without dispensation to be observed, so long as they are ready to perform their part. And concludes that even *Jesuites* as well as other *Doctors* hold the Popes power to be limitable, and not so almighty as the world usually believes concerning them. The same doctrine is repeated in the abridgement of *Laymans* book entituled *Compendium Moralis Theologiæ Pauli Layman folio 265.*

The Papists have given so much satisfaction by their Petition and other Papers, but much more by their submission to, and peaceable demeanour in this Commonwealth, as it is now establish'd; I must appeal not onely to the Parliament, and that great instrument of our freedom my Lord Generall *Cromwell*, but to all conscientious men, whether these Papists may not reasonably hope so much mercy, as not to be by penalties debar'd the private exercise of their consciences, with their doors shut, and such other cautions and circumstances as the State shall be pleas'd to ordain for regulation of Soul freedom; since it is evident that Christian liberty may be lawfully governed, though it be also as evident that it cannot lawfully be taken away, so that every peaceable spirit have liberty enough, and yet the licentious Liver not have too much.

Such moderate & orderly freedom might charitably be allowed to the quiet Papists from persons that afford far more advantages to far more dangerous enemies the Scotch or rigid *kirkists*, who have severall times engaged against us in open field, & by many plots and secret contrivements endeavour'd as much as in them lay) to subvert the present government, yet after so many victories obtained against them, & the reducing of the greatest part of their country to the obedience of this State; The Ministers (as sayes a Letter of the 21 of Febr. 1651. from an officer of our army at *Edinburgh*) are violently bent their own way, and preach damnation to all compliers with us in anything.

And let any indifferent person read the strange proceedings of the Presbytery of *Aberdeen* against *Sir Alexander Irving*, Lord of *Drum* published in the *Diurnall* 26 Jan. 1651. he will (I am confident) highly applaud that ingenious letter from an eminent Officer of our Army, and dated at *Edinburgh* the 21 of the same moneth, and published in the next weeks *Politicks*, which hath these very words. *You would wonder to observe the strange pride and proceedings of the kirk Clergy, the ingredients of whose constitution admit of many more grains of gunpowder, then you shall find in any Jesuites in Christendome; so that if they be not closely look'd unto they will set all on fire again.*

And in another letter dated 12th of April 1652. from Dalkeith in Scotland and printed in the next weeks Diurnall, is this excellent observation; *Believe it, all our other Enemies are tame beasts to the high Presbyter, and yet with the winding and turning of a religious pretence, and an artificiall zeal against Heresie; he will like a tame Snake (if not warily avoided) get into your bosom, &c.*

Continually every week come fresh and loud complaints from our friends and Officers in Scotland of the stubbornesse of a certain froward and resty party in that Nation.

Yet notwithstanding the pertinacy and malice of these *kirkists*, such of them as have not appeared in actuall arms against us, are so far from being sequestred; that many of them enjoy great places of honour and benefit under our government. And such is the States mercy towards them) that the Commissioners for settling the affairs of Scotland by their Declaration of the 21 Feb, 1651, grounded upon the Declaration of the Parliament of the Common-wealth of England, have exprest a particular regard and indulgence to the whole Nation, in these words, *That such Ministers whose Consciences oblige them to wait upon God in the Administration of spirituall Ordinances, according to the order of the Scottish Churches, with any that shall voluntarily joyn in the practice thereof, shall receive protection and encouragement from all in authority, in their peaceable and unoffensive exercise of the same; as also others, who not being satisfied in Conscience to use that form shall serve and worship God in oiber Gospel way, and behave themselves peaceably and unoffensively therein.*

And we do lastly declare, *That all Merchants, tradesmen, and handicrafts men, not having in Lands or goods above the value of 500 l. Sterling, and all other persons not having in Lands and goods above the clear value of 200 l. Sterling (not being prisoners of war or souldiers of fortune in Commission) who shall in pursuance of the said Declaration live peaceably, and yield obedience to the Parliament of the Common-wealth of England exercised in Scotland, shall not onely be freed and discharged from all forfeitures and confiscations of their Estates for anything formerly done by them in reference to the wars, but be received into the protection of the Parliament, and enjoy such Liberties and immunities, as also such Leases and grants of confiscated and forfeited Lands, as upon consideration of their respective qualities and deserts shall be thought fit, &c.*

In the first Branch of this Declaration such a Conscience security is held forth as (according to my soul) ought not by the Lawes of Christ be denied to any peaceable Christian, and I extremely rejoyce in the Spirit of our Governors for so noble and charitable a proceeding; yet I plainly see, that they to whom this favour is allowed, are both different from us in the Principles of their Religion and opposite to us in their Nationall affection; whereas a far lesse mercy is denied to our own kindred and allies, to our own countrey men born to the same freedom with our selves, who have in a much lesse measure offended in matters of hostility, nay divers of them not at all, who yet would be content and thankfull for a small part of that favour which the Parliament so bountifullly bestowes upon strangers.

By the second Branch very many of that Nation, who have been in actuall arms against us, and perhaps wounded or slain our friends in open battells, will receive an immunity (for 500 l. Sterling is a great estate in Scotland;) Whereas many of our own Countrey, who never lifted up hand against us, have two parts of their estates with rigor sequestred, and that without so charitable a distinction, as to free the poorer sort, whose estates are of lesse value then 500 l. For our

our mercilesse Sequestrators have tripartited even the day labourers goods and verry house-holdstuff, and taken away two Cowes, where the whole stock was but three.

Passages observed upon Cases depending at Haberdashers Hall.

I Must confesse, I had not so much time to spare, as I could have wish'd, yet for some weeks I attended at *Haberdashers Hall* for better satisfaction: but to make a full discovery of all the proceedings there, is beyond the level of my discourse: I will only promise in what I say, not to exceed the bounds of truth and modesty. The present Commissioners, who are seven in number, for ought I could discern are civil persons, and most of them apprehensive of others sufferings, but seem to say in many hard cases, that either their Instructions or Commission binds them up from being able to give relief, or the obligation to the Oath they take will not permit them. To shew the tenderesse and compassion, which otherwise (I am perswaded) their consciences would carry them forth to practise, since most of the Suitors that come before them appear so miserably ruined, that the very distressednes of their condition is motive enough to incite the mercy of their Judges, especially, their crime being only the refusal of an Oath, which they solemnly professe is against their consciences, and I am sure is against our Laws; And truly as often as I reflect upon the strange severity of that Oath, my soul goes forth in pitty towards them that are concern'd in it; since even their thoughts are not free, but an absolute force laid upon the most inward cogitations of their hearts, and themselves compelled to condemn themselves by accusations wrested out of their own mouthes.

Upon the ceasing of the former Committees authority, these 7. (which now sit Judges of Delinquency and sequestrations) were impowered about 25. Jan. 1649, since which time they & their subcommissioners in the severall Counties have made many discoveries both of delinquents and Papists estates, either not before sequestred, or not compounded for at the full value, but I observed that they who were sequestred or had their rents or goods unduly taken from them, in the time of the former Committees for Sequestrations, how unjustly soever, could not be relieved by these Commissioners, nor any other power, but by the Parliament it self.

It was the Case of Mr. *Robert Knightley* a Recusant only, a great part of whose Mansion house in *Essex* was puld down to repair the Fort at *Tilbury*, for which he petitioned at *Haberdashers hall* in Decemb. 1651, to have satisfaction out of the 2 sequestred parts of his own lands there. But in regard it appeared to be done before Jan. 1649, the present Commissioners answer was, they had no power to relieve him.

And in all other Cases upon Appeals, where it appears, that rents have been unduly received to the States use for 7 or 8 years last past, in wrong to the true owner of the lands; These Commissioners in such case make restitution onely from Jan. 1649; And for money, goods, or personall estate unduely seized or sequestred before that time, they make no restitution at all.

This seemed strange to me; for by the same rule, if the present Commissioners should sequester half the lands and goods in England right or wrong, and then be displaced and new Commissioners established, who have no power to review and consider the acts of their predecessors, in time we may all come to be sequestred, and yet be without appeal, except to the Parliament, who have too many publique obligations to spend their thoughts in particular businesses.

On the 11th of Feb. 1651, there was heard the case of one Mr. *Parker*, the Lord *Mortleys* only son, about 14 years of age, he petitioned for maintenance out of his fathers sequestred estate, but because it was suspected the childe might encline to his fathers Religion, who is a Papist, it was denyed him, unless he might be ta-

ken both from Father and Mother, and committed to the government of a meer stranger, which was ordered accordingly, and the poor pittance of 100l. *per ann.* only allowed him, out of his own and fathers estate.

In Feb. 1651. Mr. *James Hanham* of the West Petitions the Commissioners at *Haberdashers Hall* to this effect, that he had never acted any thing against the Parliament yet two parts of his estate were sequestered with such rigor for his Recusancy, that he could not possibly subsist with necessaries by the remaining thirds, when Taxes and other charges were deducted: That he was therefore constrained to borrow 50l. upon Bond, and having disbursed 15 l. of the money, it seems the *Sequestrators* got notice that the Petitioner had somewhat in his house worth a new Sequestration or review, as they call it, thereupon they search his trunks, finding the remaining 35 l. pull out the guilty bag, and two parts of it they sequester into their own pockets, to the use of the Commonwealth, and for relief therein Mr. *Hanham* appealed, but found no redress at present, more then Order for the sub-Commissioners in the Countrey to examine the businesse and certifie, &c. At the return of whose Certificate, I leave the Petitioner to expect his doom.

On the 31 of *March*, 1652. the Petition of one *Hamond* or *Ammot* was read, to this effect, That the Petitioner did never bear Arms nor assist the Enemies of the Parliament, yet his estate had lye under sequestration ever since the year 1645. and not one penny allowed him for his maintenance. That the Petitioner, being a Recusant, did in the time of the late war continue at his own house, as long as he could without apparent danger of his life, but considering how obnoxious even the most peaceable of his religion were to be affronted and ruined, by the daily mischiefs they received from some disorderly Souldiers, and especially seeing one of his neighbours (a Recusant) slain at his own door, the Petitioner did then and not before, fly for protection to a Garison of the late Kings, without acting anything in the least kind against the Parliament. And therefore humbly prayed he might have a fifth of his estate and the arrears allowed him to buy bread. But it not appearing to the Commissioners that he had wife or children, their answer was, *they had not power to grant him any relief.*

Nor do I believe this mans Case to be singular; for I am well satisfied, that a great part of those Papists, who are sequestred as absolute Delinquents, were never in actual arms against the Parliament, but onely fled to the Enemies Garisons for shelter, yet no qualification or difference in punishment is hitherto allowed them, which would be to my understanding very just and reasonable; since who ever did observe the fury and rage of most of our Common Souldiers (at the beginning of the late troubles) against many of that party, will easily conclude the Papists had reason to distrust their own personall security amongst them. And for instance I remember an Officer of my acquaintance under the *Earl of Manchester* told me, that at their taking of *Lincoln* from the *Cavaliers*, in the year 1644. he was an eye witness of this Tragedy. The next day after the Town was taken, some of our common Souldiers in cold blood (meeting with Mr. *Price* of *Washingley* in *Huntington* shire a Papist) asked him, *Art thou Price the Papist?* I am (said he) *Price the Roman Catholick*, whereupon one of them immediately shot him dead.

In the same moneth of *March* there happened at this Hall a very hard case, which was of a maid servant (whose name I do not remember) but her Petition was to this effect. That her Father and mother both died when she was but sixteen years of age, and being very poor, they left the Petitioner only some old clothes

clothes and a little household-stuff, in all not worth above five or six pounds, after whose death the Petitioner, being an Orphan betook her self to service, and having served seventeen years for the annuall wages of seven nobles, the Petitioner had by her frugality increased her small patrimony to twenty pounds, which being placed in the hands of *A.B.* and of late discovered to be the Petitioners money, and the Petitioner a Recusant, she pray'd that they would take the sad and disconsolate condition of a poor orphan into their charitable consideration, whereby the extremity of the Law might be qualified to so mercifull a temper that she might not be utterly ruined, by losing in a moment for her conscience, what she had been so long in gathering by the sweat of her brows. But the Commissioners (though perhaps otherwise willing) concluded they had not power to give her any relief more then the bare thirds, unless she would take the oath of *Abjuration*, a thing as far at least above her understanding, as it can be against her Conscience.

If it be unreasonable, (as many well affected seem to urge) that the Ministers who do or at least should perform some spirituall office for the good of the Soul) should tithe a tenth part of the Husbandmans labour: How much more unreasonable is it, that a poor silly maid servant should thus meerly upon the account of Conscience, be sequestered of two thirds of that, which by many years labour, she had gained and reserved as a support against the necessities of old age:

On the 16 of *April* 1652. The Case of *Mistress Church of Essex*, a Recusant, was heard, whose Petition spake to this effect, That her late husband in his life time settled a Lease of *Muck-hall* (or such like name) in *Essex* of considerable value upon her in lieu of Jointure, for divers years yet in being, and was held of the late Dean and Chapter of *Pauls* that Alderman *Andrews* or Mr. *Nathaniel* his son, had bought the Reversion of those Lands at *Gurney house*, and since taken a Lease for seven years of the Commissioners for sequestration in *Essex* of the whole present possession, without the Petitioners consent or knowledge, and without any regard to her thirds; and that the said Mr. *Andrews* having now possession of the whole estate, had demolished the Petitioners Mansion house, and did refuse to pay the Petitioner her thirds, whereby she was driven to a necessity of wanting bread, being a distressed and friendlesse widow of almost 80 years of age, she therefore prayd her thirds, and the arrears, and that the said Lease might be annulled, &c.

The first was charitably granted, but as to the Lease and what her thirds should be, she was left to the mercy of Mr. *Andrews*, who I fear does forget what the Father of mercies sayes in *Jeremy* 22.3. *Execute judgement and righteousness, and deliver the spoiled out of the hands of the oppressor, and do no wrong, doe no violence to the stranger, and fatherlesse, and widow, &c.* And in *Matth.* 23. 14. *Woe un o you Scribes, and Pharisees, Hypocrites, for ye devour widows houses, and for a pretence make long prayer; therefore ye shall receive the greater damnation.*

That which in this Case did most exact my observation, was, That Mr. *Andrews* (a person of quality) should make use of his power against a poor widow, and should be present, and openly avow the taking of her estate over her head; with so little regard to the thirds, which is allowed her by the Act of Parliament, and so much to his own benefit, without which, 'tis like he would not have taken it, and with which the Petitioner must needs suffer.

From *Haberdashers Hall* give me leave to make a step into *Moorefields* where on the 19 of *May* 1650 being the Lords day, *Rich. Ledsam* and one *Ledbeater*, two Pursivants apprehended *Robert Segar*, a poor old decrepit man, upon a sus-
spition

pitition, (and 'twas but a suspicion) that he had been at the Spanish *Embassadors* at *Masse*, upon this bare surmise the poor man was searched, and in his pockets they found an old prayer book, whereupon he was carried before a Justice of Peace, and committed to the *Gatehouse* at *westminster*, where he lay in the common Goale till the *Quarter Sessions* in *Jan. 1951*. being full 20 moneths, without any charge or proceedings against him, and that *Sessions* was acquitted by Proclamation, through the mercy of Justice *Scobell*, but he is still detained prisoner, (this being now *April 1652*.) by Mr. *Weeks* the keeper of the Prison, for the rent of his lodging, for which the keeper demands 14 pence a week beside Fees, and yet (as I am credibly inform'd) the old man lay on the boards in the common Goale, and had no other pillow for his head, but a hard stone, for which he must now pay more then he is worth, or continue in Prison, being 86 years of age.

And now I am at the *Gatehouse* I shall give you the supplement of a like sad story mentioned in the 21 page of the first part of this *Moderator*, concerning a great bellied Gentle-woman, committed to Prison on the 24th of *June 1651*. her name upon enquiry I find was *Delavall*, an Englishwoman, but her Husband a Frenchman; she was committed also to the *Gatehouse*, and with much importunity got leave by Petition to go out upon bail till she was brought to bed, but was an actual Prisoner full 7 Moneths of the 12; which is prescribed by the Statute, and a fine of 100 Marks stood charg'd upon her, till she was relieved by the late gracious Act of *Generall Pardon and Oblivion*, (An Act that no lesse obliges all the People of this Nation to forget their private injuries, then to remember the publick mercy of the Parliament) and all this poor womans sufferings meerly grounded upon a bare supposition, that she had been at the then French Agents in Long acre at *Masse*, without so much as one witness, that there was any *Masse* said there at all, it being the truth of the Case (if I may believe their most serious Protestations) that they were onely at their other private devotions.

But to return to *Haberdashers Hall*. I perceived in my observations there, that besides the cases before recited, it was a familiar thing to see Papists (I mean single Papists, without the adjunct of Delinquency) outed of the possession of the two sequestered thirds of their estates, by any stranger, that would offer in the box but 12 pence more then the owner; which hath made divers owners strain themselves to give more rent to the State, than they could possibly make of the two parts, rather than be outed of the possession of their ancient patrimonies, and some of them have assured me, that it happens very often, that neighbours either thorow covetousnesse or revenge (for who can live so innocently as to procure no enemy, at least so happily as to have none,) set themselves to outvy the owners, and then recompence the losse they have in the great rent they pay, by misusing the Lands they hire in despite of the owner. Besides many times when the proprietors have with much charge and long attendance obtained Leases of the two parts for seven years in the Countrey in pursuance of the Act of Parliament, after improvement of their estates by good husbandry, they are again outed, and their Leases made void at this Hall, under pretence of the want of some formality of *Surveying, posting, boxing* or the like, which it seems the instructions from these Commissioners do hold forth to those below, yet those instructions are not made publick, whereby the parties interess'd might be advised how to proceed regularly and certainly in a business that so much concerns their subsistence.

Nor are the Recusants permitted to sell any of their Lands by Fining for the

two parts, though for payment of their just debts, nay though they should be willing to transport themselves beyond the Seas; by which disablement to sell or Mortgage the least pile of grasse they possesse, many well affected suffer much prejudice, by non-payment of their true and ancient Debts, but divers of the Papists are thereby driven to such extreme necessities, that they have expos'd their bare Thirds to Sale; though I perceive few Purchasers will meddle therewith, unlesse upon very disadvantageous terms to the Seller, because the Purchasers say, they are sure to contract a charge and trouble to themselves by their attendance at this Hall: For in such Case, if the Papist can gain the favour to have his Thirds partitioned from the other two; yet (as I heard it argued) the State might, when he had sold such divided part, or by good husbandry improved it, evict it from him, and assign him another Thirds of the same Lands, that perhaps has been wasted by ill Tenants; For I found this much complained of among the Petitioners, that the *Sequestrators* or such strangers to whom the two parts are often demised, rarely or never bestow any money on repair of the two thirds, but take the Rents as long as the house or Land will yield any; which is one reason why such Customers many times out-bids the owners for the renting of those two Thirds; the owners being alwayes carefull to keep up the houses, and direct their Husbandry to the best advantage, and embetterment of the Lands.

Others I observed to complain much of the long attendance, and great charge they were at in gaining their Thirds, and an allowance of their Mansion houses, and of the many and malicious false accusations, that Informers were permitted to bring in against them: As (if I mistake not) I over-heard some of the Solicitors say, that the Lady *Saint Johns*, or her Husband Mr. *Arundell*, had been accused for Delinquency five or six severall times, and still cleared it. Witnesses have been often suborned to false accusations, and yet when the Party injured (after long attendance and expence) has cleared himself of the calumny and consequently proved the malice of the informer, no reparation would be allowed for so dangerous a slander; insomuch that upon the whole matter I have heard a Recusant (with tears in his eyes) professe seriously, that so much attendance and charge was required in getting their Thirds, and such continuall fears and vexations attended their condition, that if he could by manufacture or any other honest calling get a livelyhood, he should easily resolve to let his third part go after the other two.

The Commissioners themselves (sitting in a treble capacity, First for *compounding with Delinquents*, Secondly for *Advance of money* upon the fifth and twentieth parts, and thirdly for *Sequestrations*) can onely spare Wednesday mornings, for hearing Petitions upon *Sequestrations*, and commonly there is not a Committee which must be at least four of the seven Commissioners) till after ten of the Clock, by which means they can scarce afford two hours in a week for the dispatch of that employment. So that whensoever a suitor delivers in his Petition, it is usually a full moneth, if not six weeks before it comes to be heard in couise, and a great part of this time he must attend, and perhaps retain Councel severall dayes before his businesse will be heard.

These complaints, (for ought I could possibly be informed) are not onely true but far short of what this sort of people suffers; which so much the more afflicts my Soul, by how much I consider the sufferers to be Christians and Natives of *England*, and the entire cause of all their sufferings to be onely their unsatisfaction in certain points of Religion; a thing that is altogether out of their own power, and absolutely depends upon the good pleasure of Gods holy Spirit.

I omit to speak of the *sub-Commissioners* for Sequestrations in the severall Counties of this Common-wealth, as having hitherto had little means to inform my self of their severall proceedings, and considering them obliged to pursue the *Instructions* they receive from those above; onely this I can say of some of them, whom I have conversed with, that they seem to grant, that Sequestration of Papists Estates, upon the sole account of Religion, is not in their opinion warranted by Gods Word, but rather the contrary; And yet these men continue their employments, which I fear will expose them to the censure of worldly-minded and avaritious self-seekers: And I pray God that whilst they charge others with Idolatry, they be not found guilty of it themselves, since the Scripture sayes expressly, *That a Covetous man is an Idolater.*

Ephes. 5.5.

But it being apparent that the *Oath of Abjuration* is the wrack which torments so many Consciences, I did therefore in the former part of this Discourse propound some *Queries* upon that Oath, And shall now humbly add, (as not improper for this subject) what the before mentioned Sir *Alexander Irving* lately said, in answer to Master *John Rue*, Moderatour of the Presbytery of *Aberdeen*, concerning constraint of conscience, and enforcing Oaths: his very words are these. *I doe acknowledge that which you say concerning Oaths, that God is honoured by them; yet that must receive some limitations, or else it would prove very false, they must be taken in Judgment, in truth, and upon necessity: Now I appeal to your own Consciences, whether ye have observed these Conditions in your urging so many dreadfull Oathes upon this miserable Nation these years by-past, not onely in the Covenant, but in your solemn League with your Presbyterian brethren of England, whereby ye enforced all men to swear to establish by Armes, that Tyranny there, as ye had done here: how many have ye enforced (by threatning and Execution of your Kirk censure, and the severity of the Civill Law, following upon them, depriving men of their Estates) to swear and subscribe to all ye enjoined or could invent, albeit ye know them to be of far contrary Judgments, wherein ye did imitate that feigned and false Mother, who before Solomon was contented to have the Child divided, whereby her Hypocrisie was found out by that brave Prince: by which means ye have made this Nation guilty of perjury, besides many other heinous sinnes: I wish to God you had remembered, or would yet remember, how much you cryed out against the Tyranny of Bishops, (when they were urging some of your number, who were refractory to Episcopacy) that there should be had some regard to tender Consciences, which were of another Judgment, But so soon as ye had got the power into your hands, neither Minister nor Laicd, Man, woman, or Child, was spared, nor any regard had unto them, whatsoever quality or condition they were of, all were forced not onely to obey you, but (which is the greatest tyranny over mens Consciences) they were made to swear, that they thought, as ye would have them, albeit to your own knowledge many thought the contrary, &c. The whole Answer, which bears date, 20 Jan. 1651. is worth the reading, and is Printed in the *Diurnall*, Numb. 118. I pray Christ a great part of the same arguments may not be turned against us, for enforcing this Oath of *Abjuration* so positively against mens Consciences.*

And since we all say, that we abhor to violence and force any ones Conscience farther then to secure the publick peace, and that only as necessity shall really appear, and not upon any Voluntary or Counterfeit pretence, I cannot see how the taking of this Oath avails to make a man, either a better Neighbour, or

a better Subject. I cannot see that the Parliament confides any more in those whom they have frightened to take it, nor any places of trust committed to them in reward of their conformity, and indeed there is lesse reason, in my opinion to rely upon such as are involuntarily drawn to an outward compliance, then even those that stand out their Sequestrations, as being more exasperated against us by our severe proceedings, since there can be no greater cause of resentment and hatred then the remembrance to have been compelled by us publicquely to swear against their Consciences, unlesse their Judgements be really changed, and then all penalties to enforce them are superfluous, which leads me the direct way to this clear conclusion that such Oathes are alwayes either absolutely pernicious or altogether unnecessary, if against the inward Judgement, damnable; if according to it, uselesse.

Since then the receiving such an Oath against the Conscience is the highest degree of perjury and spirituall murder of the soul, let us sadly consider, how disadvantageous to the work of the Lord, and scandalous to the eyes of men it will be, for us to fill up our Congregations with such unsanctified Members: The ingenious Author of *Mer. Politicus*, (Numb. 99. page 1554.) hath an admirable Discourse upon this Subject. If we seriously reflect (sayes he) upon the designe of God, in bringing Christ into the world, we shall find it was to set an end to that pompous administration of the Jewish form, that as his Church and people were formerly confined within the Narrow Pale of a particular Nation, so now the Pale should be broken down, and all Nations taken into the Church. Not all Nations in a lump: nor any whole Nations, or Nationall Bodies to be formed into Churches: For his Church or people now under the Gospel, are not to be a body Politicall, but Spirituall and Mysticall: not a promiscuous confusion of persons taken in at adventure, but an orderly collection, a picking and choosing of such as are called and Sanctified, &c. Not a company of men forced in by commands and constitutions of worldly power and prudence, but of such as are brought in by the power and efficacy of Christs word and Spirit. For he himself hath said, My Kingdome is not from hence; My Kingdome is not of this World, &c. And therefore that hand which hath hitherto presumed in most Nations, to erect a power called Ecclesiastick, in equipage to the Civill, to bear sway, and bind mens Consciences to certain Notions ordained for Orthodox upon civill penalties, under colour of prudence, good order, discipline preventing of heresie, and advancing of Christs Kingdome; and to this end hath twisted the spirituall power (as they call it) with the worldly and secular Interest of State; this (I say) hath been the very right hand of Antichrist, opposing Christ in his way, whose Kingdome, being not of this world, depends not upon the helps and devises of worldly wisdom. Thus that excellent Pen. And a quick-sighted & judicious member of Parliament, in my hearing, being made acquainted (as with a supposed gratefull news) that some indifferent Christians, (who professe amongst their old acquaintance no reall satisfaction of Conscience, but onely a designe to save their Estates) had taken the Oath of Abjuration and conformed, said; Truly our purchase therein is very little, and the Papists losse, much lesse.

In confirmation of this assertion, I may here cite the case of Mr. *Anthony Roan*, who was executed at *Usk* in *Monmouth* shire on the 4th of *April* 1650, for poisoning his Wife; This Gent. the very hour before his execution, made a publique confession to this purpose; That he had been bred a *Roman Catholick* from his infancy, and continued in that Religion till some two or three years before his death, when, being overcome by an unhappy necessity of preserving his family

from beggary, he forsook the Belief of his own Soul, and went to Church to save his Estate; after which, (the Devil taking advantage upon him in this disturbance and anxiety of Spirit) he confessed that he had fallen into many great Sins, but denied the guilt of that horrid crime of poisoning his wife, for which he was condemned to die; delivering further with a kind of confidence, that if he had had the grace to have continued constant in his Religion, he believed he had never so highly transgressed the Commandments of his God, nor come to so unhappy an end. And openly declared (with much seeming repentance) that he dyed in his old Religion.

Certainly this is a sad consequence of wresting the inward perswasion of poor Souls from that Belief, which their own Conscience tells them is truth, thereby making them lesse carefull of their salvation, and their honesty and credit of lesse repute, even with those, who force them to this change, For the heart of man is so frail and deceitful, that it seldom is drawn by violence from those principles, which it has long been used to esteem and practise, but becomes slack and negligent in what concerns the other World, and by degrees very often wholly insensible of any thing, but sensuality.

UPon the news not long since, of some Papists taking the Oath of *Abjuration*, and frequenting the publique places of meeting, I conceived myself sufficiently furnished to answer a certain old saying, which a Recusant of my acquaintance used often to repeat in my hearing, that *SANGUIS MARTYRUM EST SEMEN ECCLESIAE*: This upon all occasions he applyed the sufferings of Papists, both here in *England*, and ten thousand miles off in *Japan*, in which two Islands have of late been sharper persecutions, (said he) for matter of Religion, then in any other place of the world; This he continually insisted upon, as a Sovereign remedy for all his sorrows, nor could we ever beat him from his last hold, wherein he fortified himself, *SANGUIS MARTYRUM, &c.* nay more, he sometimes ventured to affirm with strange assurance, this assertion, that this Church encreased and prospered still, even whilst it was actually under the greatest pressures, that his Church was, as the Palme tree, the heavier weights are laid on, the more it flourisheth.

I having gotten this advantage by the late coming in of some Papists to our Religion, went presently on purpose to my Recusant to put him to the question, and as it were a little triumphing, demanded what he thought now of his old Latine Proverb (in which he had formerly seemed to place so much confidence) and whither the Palm tree did not sometimes break a twigg by laying on so many weights; To which he replied with a little suddenesse and Choller, That some dead, or Canker-eaten Branches, as they can bear no weight, so they can bear no fruit, even whilst united to the Stock and much lesse after their division: But soon recovering himself to his usuall temper, he calmly, yet earnestly undertook, that as there have been at least twenty Priests put to death in *England* since the beginning of this Parliament, meerly upon the account of their Religion or function, so he could name a farre greater number of persons of quality, who have in this same space of time reconciled themselves to the Catholique Union. When I urged him to the proof of this assertion, he immediately delivered me a list of twenty Priests, who during these late revolutions had been hang'd, drawn and quartered either for taking orders beyond Seas, or exercising them on this side the Seas, and with all promised (upon the allowance of a little time for recollection) to furnish me with a Roll of some names, who have lately

lately declared themselves *Catholiques*, undertaking, if he was deceived in any name, to recompence such Errour; with the interest of two for one, unless he might be dispensed with upon the inconveniency of discovering those, who can no longer live unruined for their Religion, then they are unknown to professe it.

The P R E I S T S executed in severall places since the Year 1641. were these;

Mr. <i>William Ward.</i>	Mr. <i>Francis Bell.</i>	} Executed at Tyburne.
Mr. <i>Raynolds.</i>	Mr. <i>Ducket.</i>	
Mr. <i>Roe.</i>	Mr. <i>Corbet.</i>	
Mr. <i>Edward Morgan.</i>	Mr. <i>Morse.</i>	
Mr. <i>Bullaker.</i>	Mr. <i>Phillip Powell.</i>	
Mr. <i>Holland.</i>	Mr. <i>Peter Wright.</i>	
Mr. <i>Heath.</i>		

Mr. *Lockwood.* } Executed at York.
 Mr. *Caterick.* }

Mr. *Green,* Executed at Dorchester.

Mr. *Barlow.* } Executed at Lancaster.
 Mr. *Reading.* }
 Mr. *Whitaker.* }
 Mr. *Thompson* }

Besides, Master *Tho. Vaughan* (after very hard usage aboard Capt. *Moltens* Ship) soon after dyed at *Cardiffe* in *South-wales*.

Mr. <i>John Goodman.</i>	} Dyed Prisoners in the Common-Goale at <i>Newgate</i> since the year 1641.
Mr. <i>Henry Myners.</i>	
Mr. <i>Peter Wilsford.</i>	
Mr. <i>John Hamond.</i>	
Mr. <i>Colman.</i>	
Mr. <i>Rivers, &c.</i>	

Besides divers who are now continued in prison.

Now I humbly thank the Lord Christ, there was onely one of these Priests whom I mentioned in the first part of this Discourse put to death, since this Nation was established in the present Government, and I wish from my Soul, that his life had also been spared; since my obligations to this Common-wealth and the present Governors thereof are such, that I am bound every day to offer up my sighs and prayers to the Lord, that no blood of any peaceable Christian be spilt for the only difference of judgement in Religion: for certainly whosoever shall practice such cruelty, will be called to a strict and rigorous account at the judgement of the great Day.

But proceeding to require of my Recusant the performance of his word concerning

certain the late *converts* he so much gloried in, I merrily threatned him, that if he observed not his promise, I would presently not only suspect some secret evasion in him, but cry out against all *Papists* as jugglers and equivocaters, or else, I being an Heretique, no Faith was to be kept with me, and though the present matter be of a trivial consequence, yet we know the *weishman* stole Rushes to keep his hand in ure.

He first seriously redeemed his word by delivering me this following *Catalogue*, and then merrily answered by jesting, with wonder at my hardinesse, how I durst stay in *London*, since the last letters from *Amsterdam* discover so dangerous a plot intended by the *Papists* and *Cavaliers* against this Town, they have these many Months held a secret intelligence with all Engineers and Mill-makers of *Holland*, and hired them forthwith to prepare a thousand such Engins as we use to quench scare-fires, and these *Van Trump* (who has been a long time Popishly affected, and a rank Cavalier ever since he was Knighted) undertakes to bring up so privately to the very Bridge, that in one night they may be planted all along the River, and drown even *Pauls* it self, by squirting all the water in the *Thames* upon the City. Now if you ask a *Papist* whether he know of any such conspiracy, he will presently cast about in his thoughts to retrive some mentall reservation, and then down right deny that ever he heard any such thing. But to return from this feigned Story of the Recusant to the reall History of his new *Profelites*, amongst whom he reckon'd these following: But pretended prudentiall reasons to excuse his concealment of many others.

1. The Countesse of Denby.
2. The Lady *Kelimekin*.
3. The Lord *Cottingham*.
4. *Thomas Vane*, Doctor of Divinity.
5. *Hugh Paulin De Cressy*, one of the late prebends of *Wyndesore*.
6. Sir *Marmaduke Langdale*.
7. Sir *Francis Doddington*.
8. Sir *Theophilus Gilby*.
9. Mistresse *Bridget Feilding*.
10. Doctor *Baily*.
11. Doctor *Cosser* onely *Sonne*.
12. Dr. *Goff*, entred into the Religious order of the *Oratorians* at *Paris*.
13. Master *Peter Gule* of *Balliol* Colledge in *Oxford*.
14. Mr. *Richard Nicolls* Barchelor of Divinity of *Peter-house Cambridge*.
15. Mr. *Richard Crasshaw*, Master of Arts of *Peter-house Cambridge*, well known for his excellent Poems.
16. Master *William Rowlands* of *Exeter* Colledge, in *Oxford*.
17. Captain *Thomas Cook*.
18. Master *Edward Barker* of *Gains* Colledge, *Cambridge*.
19. Master *Temple*.
20. Master *Osborne*, &c.

I must ingenuously confesse, I knew not well what answer to make the *Papist* in this point, but still to expresse my dislike of such persecution even of any sort of Christians: And am very confident, that were they treated more mercifully and invited to come to our spirituall conferences, (which my Recusant told me he would not at any time refuse, were it onely to discourse in an amicable Christian

stian way the points in difference between us) we should gain more of them to us or at least hinder the growth of their Religion more, then any *tortures* of body or *Sequestrations* of their Estates are like to do.

Nor is it reasonable to exact from such as dissent from us any other kind of presence at our exercises, then to propose their difficulties in a modest and peaceable way, and patiently to hear our answers, without expecting they should presently joyn with the Congregation; for that were to oblige them, to profess before they are satisfied, and practice before they know what it is they do; Whereas the Scripture commands us first *to try all things, and then hold fast that which is best.*

Some, who have not onely the form but the power of Godlinesse in this Nation, have of late in order to the advancement of Christs Kingdome) been induced to move and endeavour a re-admittance of the *Jews* amongst us, in hope to be happy instruments in their conversion, which the Scripture holds forth in the *rt* to the *Romanes*. And why shall we not also (upon like grounds of Christian Charity) endeavour the conversion of all other people of different persuasions in point of Christianity, by being mercifull unto them, as our heavenly Father is mercifull, *Luke 6. 36.*

But nothing so afflicts my Spirit, as to consider the cruell gripes we give the *Papists*, in respect of the light hand, which the *Turk* himself bears over his Christians; To which purpose I shall here humbly offer an exact Parallel of the *Papists* sufferings in *England*, to the condition of the *Christians* in *Turky*. First clearing one easie objection, whereat some godly people seem to scruple; They think the *Papists* here suffer for some other fault, and not onely for difference of judgement in Religion, which is an evident mistake; for if their burthens be not laid on for their different judgements, why are they taken off, when they conform and become indifferent in their judgement? why should their receiving the *Oath* of *Abjuration* deliver them from all penalties and *Sequestrations*, if those penalties and *Sequestrations* be not inflicted upon them, meerly for holding some opinions, which that *Oath* obliges them to renounce. Others even of the best affected have often in my hearing affirmed, that certainly that *Oath* was onely intended as a means of discovery, for the Magistrate to know, in whom he may confide; But why then is it used so much beside their supposed intention? or what need of annexing any penalty, which sure is the greatest hinderance of discovery; For were there no danger in being a known refuser of that *Oath*, few would be so diligent in concealing themselves, lest they should be known to refuse it. Nor indeed is this *Oath* ever offered to any upon the single ground of diffidence in their affections to the present Government, but onely to such as are suspected of Popery.

But to return to the comparison I began to mention between the State of *Papists* in *England*, and of *Christians* in the *Turks Dominions*, I find by the best information I can gather, the great *Turks* manner of bearing himself to his Christian Subjects to be strangely more temperate and lesse accusable of cruelty or covetousnesse, then we Christians use to one another; for as our travellers unanimously relate the whole annuall fine that any Christian payes the *Grand Signiour* upon the score of Religion, comes to no more then a *Zeebech*, which is lesse then our *Angell*.

And yet what ever we can object against our *Papists*, the *Turk* may with at least as much reason charge upon his *Christians*; Some Ancestors of the *Christians* heretofore have taken up arms, and conspired with Forraigners about the e-

stablish Government of their Countrey; and yet the *Mahometan*: (whom we so much abominate as tyrannicall and barbarous) can forgive the posterity of such undeserving Parents, and let them live quietly under so small an annuall tribute for their Religion. Whereas our selves (whom we so highly commend for Christian meeknesse and charity) can never forget the Crimes of a few Papists, never give over punishing the Children for the faults of the fathers.

The Christians under the Turk, cannot certainly be free from suspicion of being disaffected to their Magistrate, both upon former practices, and the Principles of their Religion; yet rests he satisfied with disarming them, and excluding them from all Offices of Trust, and places of Importance, to the Interest of Government. Whereas we are so far from contenting our selves with such prudential cautions for our security, that we proceed to seize upon the best part of their estates, which in a short time must of necessity reduce them to absolute ruine and desperation: And yet there is one considerable ground of suspicion altogether unapplyable to the *Papists* of *England*; which is, that the *Turk* came from a strange Country, to invade at once both the Empire and Religion of the *Grecians*; whereas the *Papists* are all Natives of this Land, born with the same title to the common Liberties, that our selves have, and for Religion they onely stand peremptory in their old way, professing to be altogether unsatisfied concerning the Reformation we hold forth unto them: In which Case it is certainly a more *Christian* and pious method to settle a way of instruction for them to save their souls, then to labour so much in drawing up new instructions for our Sequestrators to ruine their estates.

Nor do the *Turks* insist upon that common objection, That *Christians* no where suffer *Turks*, and therefore no reason they should tolerate the Christians, as tasting more of womanish spire and revenge, then manly noblenesse and gallantry: How would these unhappy mislead souls exceed us Christians in moderation towards such as are otherwise minded, if they had read that Golden Rule of our *Saviour*; that we should *render good for evil*.

But the inhumane practice of the *Turk* in taking away so many Children from the Christian Parents is extremely cruel and detestable, though as Sir *Henry Elount* (a person both compleatly learned, and perfectly civill) observes in his voyage to the *Levant*, when that Custome was first introduced, many politick reasons might be alleged to excuse (not justly) so wicked tyrannicall an institution, if he could have so much as excused his wicked and tyrannicall usurpation; The *Christians* being very numerous, and by a barbarous stranger newly deprived of the Dominion of their Country; All which circumstances naturally increase, and heighten the suspicion of an Usurper, whose sight was certainly far lesse sharp then his sword, if he did not clearly see that his new conquered Subjects might perhaps for a time want an opportunity, but neither will, reason nor strength to attempt, by his expulsion the just Recovery of their own liberties.

But since the affairs of Turkey are so established that the *Musselman* hath no longer any jealousy of the Christians those unnaturall cruelties of plundering the Parent of his Child are altogether laid aside, and the *Christians* permitted to purchase with a small Fine a dispensation, and every one now enjoys this comfortable liberty, as they give their Children birth, so to guide their education.

Not one of these considerations, but argues in favour of the present *Papists* amongst us; Not one of these exceptions are they obnoxious to, their number being small and inconsiderable, their posture naked and disarmed, and the

the door long since by other powers shut against them, to all advantages in the Nation: by which means they have neither so much disobligation to the present Government, nor any possibility to work the least disturbance of its peace.

And therefore, however upon the first *Reformation* it was necessary to take a sharp and resolute course for diminution of the Papists power, yet since they are reduced to so low and weak a condition, that we cannot handsomely even feign a danger from them, it is become now unnecessary, and consequently (by our own maxims) unlawful to continue the same penalties upon them: No other cause being truly sufficient to justify our punishing others, but a true necessity of preserving our selves.

And these I conceive may be by the reasons, why the *Papists* have of late made their addresses to these *Gentlemen*, that are appointed by Parliament for *regulation of the Lawes*, building their hope upon this ground, that as the causes of so great severity against them are ceased, the sad and ruinous effects may no longer be continued; And certainly they could not have chosen a more proper way to obtain relief, than the applying of themselves to the *Committee*, it being compounded of persons, whose abilities bear an excellent proportion to the greatnesse of the work they have undertaken, having in one half year seen further into the defects of our Law, and the excesses of its practice, than many ages formerly have been able to discover, and whose integrity is so remarkable, that in the short space of a few months, they have design'd a perfect reform of more Errors, than many Ages formerly have been *willing* to search into. So that as their Charity hath already provided a favourable course of mercy for the poor, their extreme industry and sincerity promises a speedy settlement of an equall and impariall course of justice for all others. To this Committee the Recusants presented these two following *Papers*, the first of which began with this Title.

The Honourable Committee for Regulating the Lawes is most humbly desired by the Catholike Recusants to take this Schedule of the Penall Lawes against them, into their just, serious and favourable consideration.

1. **T**HE second refusall of the Oath of Supremacy punisht as high Treason, 5 Eliz. 1.

2. To maintain or extol Authority in the See of Rome, the second time, high Treason. 5 Eliz. 1.

3. To obtain or put in ure any Bull from Rome, high Treason. 13 Eliz. 2.

4. To perswade or reconcile, or to be reconciled to the Roman Religion, High Treason. 23 Eliz. 1 & 3. Jac. 4.

5. For Jesuit or Priest made by authority from the Pope, to come to remain in the Kings Dominions, high Treason. 27 Eliz. 2.

6. So for remaining in a Seminary six months after Proclamation, and afterward returning, high Treason. 27 Eliz. 2.

7. For concealing of a Bull or other Instrument from Rome, or Reconciliation offered, punisht as misprision of Treason. 13 Eliz. 2.

2 To maintain, or conceal those who perswade, or are reconciled to the Roman Religion, misprision of Treason. 23 Eliz. 1.

1 To receive, relieve, or comfort Jesuit or Priest, knowing him to be such a one, punished as felony. 27 Eliz. 2.

2 To refuse to abjure the Realm, being commanded, or to return without License, Felony. 35 Eliz. 1, 2.

3 To go and serve a Forrain Prince, having not before taken the Oath of Allegiance, and entred bond not to be reconciled to the Roman Religion, Felony. 3 Jac. 4.

1 The first refusal of the Oath of Supremacy is punished as in case of a Premunire, which imports a forfeiture of all Lands and Goods, imprisonment for life, and a deprivation of the benefit of the Law. 5 Eliz. 1.

2 To set forth, or defend power spiritual in the See of Rome, Premunire. 5 Eliz. 1.

3 To bring or receive any Agnus Dei, Crosses, Pictures, or such like from Rome, Premunire. 13 Eliz. 2. 23 Eliz. 1.

4 To aid any person who hath put in ure any Bull from the See of Rome, Premunire. 13 Eliz. 2. 23 Eliz. 1.

5 To send, or give relief to any continuing in Colledges, or Seminaries beyond Premunire. 27 Eliz. 2.

6 Refusal of the Oath of Allegiance upon the second tender, Premunire. 3 Jac. 4. & 7 Jac. 6.

1 For not discovering of Priests made beyond the Seas, imprisonment. 27 Eliz. 2.

2 Upon inditement of Recusancy by P. oclamation, imprisonment. 29 Eliz. 6.

3 For refusal to go to Church, or to be present at the reading of the Common-Prayer, imprisonment without bail. 35 Eliz. 1.

4 Those that are not able, or fail to pay their forfeitures, are to be imprisoned, untill payment, or conformity. 23 Eliz. 1.

5 Women Covert imprisoned for refusal of the Oath of Allegiance. 3 Jac. 4.

6 For non-payment of twelve-pence for every Sunday, imprisonment. 3 Jac. 4.

7 Woman Covert convicted for Recusancy imprisoned till her husband pay tenne pounds a moneth, or a third part of his Lands. 7 Jac. 6.

8 Standing excommunicatd for Recusancy, House may be broken up for his apprehension. 7 Jac. 6.

1 Those who shall forbear to come to Church, by the space of twelve months, bound to the good behaviour, with surety in the Kings Bench. 23 Eliz. 1.

1 Every Recusant is confined to five miles compasse for life. 23 Eliz. 2.

2 To ten miles distant from London. 3 Jac. 5.

3 Not to come into the house where the King, or his Heir apparent is. 3 Jac. 5.

1 For absence from Church-Service every Sunday 12^d forfeited. 1 Eliz. 2.

2 And for every Holiday, twelve-pence forfeited. 3 Jac. 4.

3 For absence from Common-Prayer every month, twenty pounds forfeited. 23 Eliz. 1. & 3 Jac. 4.

4 For default of payment of twenty pounds a month, all Goods, two parts of Land, and Leases forfeited. 29 Eliz. 6. & 3 Jac. 4.

5 At the Kings election to take or refuse twenty pounds a moneth, or to take two parts of the Recusant's Estate. 3 Jac. 4.

6. All Coppy hold Lands of Recusants forfeited. 25 Eliz. 2.

7 The forfeitures of the Ancestor charged upon his Heir being a Recusant. 1 Jac. 4.

8 A conformed Recusant forfeits for not receiving the sacrament, according to the Service-book, the first year twenty pounds, the second year forty pounds, the third year, and every year after, sixty pounds. 3 Jac. 4.

9. To the Presenter out of the Recusants goods forty shillings forfeited, 3 Jac. 4.
 10. For every Recusant sojourner and servant, ten pounds for every moneth forfeited. 3 Jac. 4.
 11. Two parts of Dower or Joynture of a married woman forfeited, 3 Jac. 5.
 12. Coming to Court, an hundred pounds forfeited. 3 Jac. 5.
 13. For not baptising children according to the Service-Book publicly within a moneth after their birth, an hundred pounds forfeited. 3 Jac. 5.
 14. For marrying otherwise then by a Minister, an hundred pounds forfeited 3 Jac. 5.
 15. For burying out of the Church or Church-yard 100 l. forfeited. 3 Jac. 5.
 16. For sending Children beyond the Seas without licence 100 l. forfeited. 1 Jac. 4.
 17. For maintaining a Schoollmaster not going to Church or allowed to teach, for every moneth ten pounds forfeited. 23 Eliz. 1. & 29 Eliz. 6.
 18. And forty shillings per diem forfeited by the Schoolmaster and Recusant that keeps him. 1 Jac. 4.
 19. All Goods and Lands during life, for breach of confinement forfeited 23 Eliz. 2. & 3 Jac. 5.
 20. The like forfeiture for going or sending Children beyond the Seas to be bred in Popery. 3 Car. 2.
 21. For residing within ten miles of London, 100 l. forfeited. 3 Jac. 5.
 22. For practising any Function expressed in the Statute of 3 Jac. 5. a hundred pounds forfeited. 3 Jac. 5.
 1. Disabled to reverse indictment, for want of form or other defect. 3 Jac. 4.
 2. Disabled from the practice of severall Functions whereby to gain their livings, viz. from practising Common Law, Civill Law, or being a Steward, Attorney Solicitor or Officer in any Court; From practising Physick or being an Apothecary; and from bearing any Office in camp, troop or band of Souldiers, or in any Ship, Castle or Fortresse. &c. 3 Jac. 5.
 3. By the wifes Recusancy, the husband disabled from publick Office or charge in the Common-wealth. 3 Jac. 5.
 4. By marrying otherwise then the Church of England alloweth, the husband disabled to be tenant by Courtesie, the wife disabled to have Dower, joynture free, banks, or any part or portion of her husbands goods. 3 Jac. 5.
 5. Disabled to sue or prosecute Actions, to present to a Benefice, to be Executor, Administrator, or Guardian. 3 Jac. 5.
 6. Children sent beyond the Seas without licence are disabled to take benefit of gift, conveyance, descent, or devise. 1 Jac. 4 & 3 Jac. 5.
 1. Notwithstanding these forfeitures, Recusants are lisse subject to Ecclesiasticall Sentences. 23 Eliz. 1. & 3 Jac. 45.
- By the greatest part of pecuniary forfeitures, they are subject to grievous vexations of Informers. The Statutes of double Subsidies, considering their other payments are exceeding heavy.
- Besides all these Lawes, the late Ordinances of Sequestration upon refusall of the Oath of Abjuration, by which, two third parts of all their estates real and personall are forfeited. 1 April 1643. & 19 August 1643.
- An Oath made by the Presbyterians, and intended onely for the time of war. An Oath by which we are forced to accuse and condemn our selves without any legall proceedings or wiunes against us. An oath by which we are punished, not for publishing any opinion to the disturbance of others, but onely for believing; which is to accuse and condemn men for the thoughts of their hearts. An oath that contains in it matters of highest difficulty, yet are young and ignorant persons, and even women

without the least preceding Instruction, equally forc'd to take it, or punished for refusing it.

And in the Instructions to the Sequestrators 22 Octob. 1643. they are charged to seize and secure the Estates of all such persons, whom they suspect to be within the reach of the Ordinance; and so leave them to the after-Game of clearing themselves as they can; which is to punish before the Triall, nay even before Answer of the accused.

In company of this long Roll of penall Statutes (made in former times upon particular occasions) they presented also certain Arguments to induce a mitigation of those Lawes, so frightfull even in number, but far more harsh and churlish in their Nature; upon the head of which second paper was this Inscription.

Some few *Motives*, why *Roman-Catholiques* should not be forced out of their Consciences by penalties imposed upon them meerly for Religion.

1.
Principles
of the pre-
sent go-
vernment.

ALL persecution for Religion is cleerly repugnant to the principles of freedom, so often and solemnly declared by the Parliament and Army, and now universally received by all the Moderate and well-temper'd people of this Nation: Nor can it agree with the duty of any peaceable spirit, to distrust the performance of so charitable a promise.

2.
Scripture.

Many and evident texts of Holy Scripture (even according to the interpretation of the more conscientious Protestants) expressly condemn all compulsion upon the conscience, recommending mildnesse and charity, as principall perfections to a Christian Magistrate.

Besides these, *Catholiques* have many considerations to be reflected on of a more particular advantage to their Condition:

1.
Ancient
and quiet
possession.

THE Crime imputed to them is only their continuance in that Religion, which the whole Nation (till this last age) universally profest, ever since its conversion from Paganism; And though time precisely considered, make not a Religion true, yet certainly it may pretend to a fair title of exempting it from persecution.

2;
Inchian-
ceable.

The Principles of their Religion are under all Governments the same, and in their nature absolutely incapable of change; so that the Magistrate once rightly inform'd of their Doctrine, and satisfied by promise of their fidelity, may rest secure, that no danger can arise from them by innovation.

3.
Education.

Since the points in controversy are generally thought not cleer, but difficult especially by such in whom education (if it were no more) has fixt a strong apprehension of the reasonableness of their cause, it would appear severe (if not unreasonable) to force them by penalties to any new way, or altogether restrain them from continuing in their old: Persuasions of that kind, as by degrees they sink into the heart, so gently by degrees they are to be removed.

4
Satisfac-
tion in their
Religion.

Since they seriously and constantly profess, that after all their prayers to God, and diligent reading of his Word, they cannot find the least satisfaction in any other Religion, but that their souls enjoy a perfect peace and serenity in their own; it seems very

very unsuitable to Christian charity, either to compel them to a Religion, where their Consciences cannot live in repose, or restrain them from a Religion, wherein onely they find comfort here, and hope for salvation hereafter.

Since all the signes and marks of tender Consciences are most apparently discernable in Roman Catholiques, they cannot but hope, the charity and indulgence universally held forth to tender Consciences, will not universally be denyed to them; Consciences they all suffer for their Consciences an impoverisht and afflicted life, and many of ces. them a cruel and ignominious death; and can any rational and unpassionate person see so much suffering for Conscience, and say the Sufferers have no Conscience?

As for Religion, it allowes no vice or licentiousnesse against the Moral Law (the proper subject of the Magistrates care) but strictly requires a Religious severity against the corrupt inclinations of nature, and a Conscientious observance both of the Law of God and Man.

Not one of all the Nation, how different soever in Religion, how dis-affected soever to the quiet of this Common-wealth, but enjoys (by its allowance and protection) a perfect quiet for his Conscience, onely the Roman Catholiques, though they have generally taken, and punctually kept the Engagement, are singled out to misery and ruine, meerly upon the account of Religion.

6
Even the most dis-affected have Liberty.

Yet cannot all the heavy pressures they have so long endured make them lay down their hopes to be at last relieved, especially from those, who profess themselves not only bound by the light of Nature to deal with others, as they would be dealt with themselves, but by the Law of Grace, even to render good for evil.

The causes of imposing penalties upon Catholiques, being now wholly ceased, they humbly hope it cannot be thought too great a boldness in their duty to petition a re-admittance to the Common rights of free-born English men; since there is neither any Catholique Competitor for the Crown, nor any such detestable conspiracy, as some few of their Religion have been formerly guilty of: So that there remains no other charge, but that of Conscience, to exclude them from the full enjoyment of the priviledges of their Native Country.

7
Causes of punishing ceased.

No question can be made of the fidelity of their Engagement, who esteem the keeping of an Oath sacred: and what stronger testimony can be given to the world, than that of Catholiques in freely offering up their Estates to seizure, and their persons to all the inconveniencies of a persecuted life, rather than against their consciences dissemblingly to swear one Oath; for could they with the Popes dispensation, or their own mental reservation (which they are charg'd to be still furnisht with their own advantage) abjure the doctrine they believe, there remains nothing now to distinguish them into that sad and miserable condition they are reduced to.

8
Their Fidelity.

were all burthens taken off from the Consciences of such as shall engage to live peaceably and unoffensively in their Country, this Nation would rather improve its security at home, since coercion in matters of belief has alwayes been the chief cause of our troubles: And for abroad, the same reason that begets a conceit of danger from the Catholiques correspondence with Forraign Princes, will convince a benefit, if by mercy they be obliged to employ their credit in the service of their Benefactors.

9
Advantage

Reasons why Composition is preferable before Sale.

Compounding more beneficial to the State.

AND now we beg pardon humbly to offer up to the consideration and Compassion of the indifferent the most afflicted condition of many Catholiques, whose lands are now designed to be sold for their Delinquency. Most of which in the beginning of the late war (seeing themselves unprotected by the Parl. and expos'd to the plunder of the then Souldiery) fled into the Kings Garrisons to save their own lives, without taking up Armes to offend others. And even they who actually engaged for the King (the sole disposal of all penall Laws being in his power) were owners both of their lives and fortunes meely at his pleasure, and yet notwithstanding so great a Plea for their excuse, as the Supreme Law of self-preservation, they are all ready humbly to submit to Composition: A proceeding which they hope will be condiscended unto, since it is as well apparently more beneficial to the State, as lesse destructive to the Compounders: for,

After all just claims and true debts allowed, and the vast expences of Surveyours, and other Officers deducted, the clear profit that arises upon Sale, is, by experience, founded to come far short of what was expected. And this after a tedious controversy about the allowance of incumbrances, very chargeable to the Suitors and altogether unprofitable to the Common-wealth.

Besides Catholiques are generally Tenants only for life, and as generally subject (before the late troubles) to very many engagements really and unavoidably charged upon their estates, unlesse such incumbrances be allowed, thousands of well-affected people will be disappointed of their just debts.

Whereas by setting Rules for Composition, a greater sum may be raised, and every one immediately bring his money into the publique Treasury, without any further charges, delay, or trouble, either to the Common-wealth or Compounders.

The Compounders will have a stronger Obligation to live quietly hereafter, both by the fine they part with, and the estate they retain, advancing so much to purchase their peace, and having still something to lose, if they break it.

The State will by this shew to all the world, that they seek only the security of the Government establish, and not the ruine or utter extirpation of any private family.

These Motives and Reasons I have both seriously thought upon in my own spirit, and often conferred about with others, and after all my endeavours I find them so reasonable and satisfactory, that I confesse they have not only moved my Bowels to a compassion of such sufferers, but truly even to a zeal of their relief, so far I mean, as that they, who neither disturb the publick Peace of the Common-wealth, nor refuse their Contributions to maintain it, should no longer be compelled by Oathes and sequestrations to act against their consciences.

Besides, these diligences of late used by the Papists, in order to the obtainment of relief from the Committee for Regulation of the Lawes; they prepared also certain Proposals, with intent (as I understand) to present them to the Committee for Propagation of the Gospel, but being called into the Country by an urgent and importunate occasion, I am disabled to give any farther account concerning their Proposals, not knowing either how they were accepted, or indeed whether they were actually offered, and therefore can only furnish you with a faithfull Copy of the Paper it self.

To the Honourable the Committee for the Propagation of the GOSPEL:

The humble Proposals of the Roman Catholicks.

1. *Since all compulsion upon the Conscience is clearly against the principles both of Parliament and Army, as appears by the Parliaments Declaration in answer to the Scotch Commissioners, 17 Feb. 1648. in these words:*

As for the truth and power of Religion, it being a thing intrinsecal between God and the Soul, and the matters of faith in the Gospel, such as no natural light can reach, we conceive there is no humane power of coercion thereunto, nor to restrain men from believing what God suffers their judgment to be perswaded of.

Amongst the Proposals of the Army, 1 Aug. 1647. this was one, That all coercive power, and all civil penalties for non-formity, be wholly repealed, and some other provision made against such Papists as should disturb the publique peace.

And since by the experience of Germany, Poland, Switzerland, Holland; France, &c. The Consistency of divers Religions under one Government is evidently proved, as well where the Protestant commands the Roman Catholick; as where the Roman Catholick commands the Protestant.

It is humbly offered.

That no penalty be imposed upon any, professing the Gospel of Christ, meerly for difference of judgement in matters of Religion.

2. *The publick use of all Churches, and the entire benefit of Church-endowment; being wholly submitted to the disposure of the State.*

It is humbly offered.

That no person, believing in Christ Jesus, and living peaceably, and unoffensively, be by any penalty restrained from the quiet exercise of his conscience in his private house; observing therein such rules as the State shall think fit to appoint for preservation of the publick peace; A practice which by long experience in Holland is found both satisfactory to the people, and secure to the Governours of the Common-wealth.

3. *Since the Law of God is so far from allowing any penal sentence to*

be grounded upon the enforced Oath of the party, that it expressly forbids any offence whatsoever to be tried by the single testimony of one witness, Deut. 19. 15. Mat. 18. 16.

It is humbly proposed.

That no Oath be exacted of any person, compelling him under forfeiture of life, liberty, or estate, to swear against his Conscience, or to accuse and condemn himself, especially in matters that concern his inward belief.

4. Since in all Religions there are still found some scandalous livers, and that our Saviour pronounces the Woe against him onely, by whom the scandal comes, Mat. 18. 7. Luke 17. 1.

It is humbly proposed.

That who ever shall offend against the Orders of so milde and Christian a settlement, may be severely censured, but that others (though of the same judgment in Religion) be no farther made subject to the punishment, then proved guilty of the crime.

In stead of my opinion concerning these four proposals of the Papists (because to my sense they carry in themselves both their own evidence and justification) I shall beg the Readers permission to set down a particular conceit, which I have often observed to be very well relisht by all that have examined it. That doubtles there is no way more suitable to the first Principles of all Reformed Churches, no way so probable to satisfie all Consciences, as not to impose any other obligation for proof of conformity, than this profession to believe the holy Scriptures of the Old and New Testament to be the word of God, and to live according to the precepts plainly contained therein, this acknowledgement to be exprest in generall termes without descending minutely to particular questions, which hath certainly been the chief cause of so many Controversies and Divisions in the World.

And now I humbly appeal to the honourable and religious Committee for Propagation of the Gospel, Whether the sweet Spirit of the Lord Christ (who gave his Apostles no further power, than to relinquish such as refused to hear them) be reconcileable to the former practices of the high Commissioners, or the present practices of our Sequestrators; Whether, when the great Apostle Paul prescribes the servants of the Lord to forbear, and in meeknesse instruct those that are contrary minded, he should be thus cross-interpreted, that the Estates of those who are contrary minded, be first secured or forborn, and then after a time quite taken away, to instruct them in meeknesse, or how to bear patiently the losse of the vain and transitory riches of this world.

And now I humbly appeal to the honorable and learned Committee for Regulation of the Law, whether (since all those penalties which the rigorous humours of former ages have, under pretence of zeal, imposed upon the Conscience, are either by disuse forgotten, or by expresse Act of Parliament revoked) the Papists alone should still be continued under the same severities, nay their burthens encreased

created by the strange method of the new proceedings towards them, their Consciences being not only punishable to the Common way of indictment, but compellable even to accuse themselves by the new Presbyterian Oath of *Abjuration*, against the known Principles of the ancient and reverend Lawes of this Land.

And now with an humble confidence, I appeal to the renowned Parliament of the Common-wealth of *England*, whether in this generall *Goal-delivery* of the Conscience from the tyranny and oppression of the Prelates, the consciences of Papists alone, ought still to be kept in prison? Whether, when all the fetters, which the Rigid Kirkemen had bought up in *Scotland*, are broken in pieces just as they were locking them fast about our Consciences in *England*, the Consciences of Papists alone ought still to be continued in chains? Whether, when all the Societies professing *Christ Jesus*, and living obediently to the Magistrate, and peaceably one with another, are protected in the quiet and unoffensive exercise of their Consciences, the Papists alone should be forced under the penalty of so great a ruine, not only to profess, but swear against their Consciences? A course that in a short time will unavoidably bring them either to absolute beggery, or, which is worse, to hypocrisie, or, which is worst of all, to perjury.

All the people of this Nation look upon you as their common father, all promise themselves liberty and protection under your government, (though some may justly be excluded from sharing in the Government.) Were there in my family one child that profess to find satisfaction in the way of the Papists, and lived dutifully to me, and lovingly with his brethren, I should account it a great unnaturalness to deprive him altogether of his portion, much more of that which he has received from the bounty of any collateral kinsman, or acquired by his own particular diligence and improvement; And though some Papists have heretofore been truly chargeable with heinous crimes against their Country, yet why should our justice over-reach to condemn all, for the offences of a few? if they have formerly abetted competitors to the Crown, why should the punishments so long out-live the fault? certainly the Offendours being dead, their trespasses should rather be buried in their graves, and not like Ghosts walk to affright and pinch their children.

It is time we should now mix a little mercy to allay the fumes of so much justice, which otherwise will not ascend to the Almighty's Throne in the odour of sweetness.

It is time we should begin to imitate the pattern, which our merciful God has set before us in his own practice, when he commanded the *destroying Angel* to *sheath his sword*, with this compassionate Motto, *It is enough*.

It is time we should begin to answer the bounty of our God, who has so freely given us the blessings of *10 thousand Talents*, by freely forgiving our *Fellow-servants*. Mat. 18. 23. *wants the small sum of 100 pence*. Let us invade, or storme the Consciences of our brethren; For the Lord was not in the great and strong wind that rent the Mountains, and brake in pieces the Rocks: Let us not shake the inward peace of any quiet and unoffensive Christian; For the Lord was not in the Earth-quake: Let us not kindle in our hearts a devouring flame of uncharitable zeal; for the Lord was not in the fire: but let us compose our affections to the soft and gentle key of love, and mutuall forbearance; for the Lord was in the still small voice. Let us alwayes attend to this still voice of the Lord, speaking with us, do as you as you would be done unto; let us alwayes attend to this small, but sweet voice of the Lord, calling upon us, love your enemies, blesse them that curse you, doe good to them that hate you, and pray for them that despitefully use you, and persecute you, that

that you may be the children of your father which is in Heaven; for he maketh his sun to rise on the evil, and on the good, and sendeth rain on the just, and on the unjust; for if you love them which love you, what reward have you? do not even the Publicans the same? and if you salute your brethren onely, what do you more than others? do not even the Publicans so? be you therefore perfect, as your father which is in Heaven, is perfect.

P O S T - S C R I P T.

IT was the will and providence of the Lord (to whose dispensations as well of Justice as Mercy we must resigne our little interests) to call me suddenly into the Country upon a sad and mournful occasion, which utterly defeated my purpose of reviewing these few lines: And therefore, after my humblest submission of them to the judgment of the Supreme Authority, I am encouraged to presume the Courteous pardon of the Readers, especially if (since it is truly a kind of death to me to live out of *London*) he will please to consider this as a posthumous Pamphlet, containing the serious though indigested thoughts of

Will. Birchley.